IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 23784 of 2007(F)

PETITIONER:

R. SUKUMARAN NADAR,
'RADHALAYAM', PAZHAVILA, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM-695 043.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:
---

1. THE KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL MAJOR
SECTION, VELLAYAMBALAM, THIRUVANANTHAPURAM.

3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
PEROORKADA, THIRUVANANTHAPURAM.

BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO.23784 OF 2007

Dated this the 16th day of August, 2007

JUDGMENT

Petitioner is challenging provisional bill raised by the Electricity Board after conducting inspection in the petitioner's house, where tools used in workshops are found. According to the petitioner, these tools are only stored there and were not utilised. Petitioner is denying the observations in the mahazar. I do not think this court should decide all these questions pertaining to facts in this Writ Petition because petitioner can raise objections against provisional bill based on mahazar before the Asst. Engineer who issued the bill. It is for the said authority to consider petitioner's objections and finalise the bill under Section 126(3) of the Electricity Act, 2003. Petitioner has a right of appeal against the bill as finalised, if petitioner has any surviving grievance. W.P. is accordingly disposed of directing the respondents not to disconnect supply or take any coercive steps for recovery unless bill is finalised after hearing the petitioner's objections. Petitioner's objection about regular billing at commercial tariff should also be

considered after verification of activities taking place in the petitioner's house during the course of time.

(C.N.RAMACHANDRAN NAIR)
Judge